

**IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

JOHN DEREK WILLIAMS,

Plaintiff,

V.

**BLUE CROSS BLUE SHIELD OF
ALABAMA and NEW HORIZONS
CHURCH,**

Defendants.

**CIVIL ACTION NO.
CV 2:06CV716**

REPORT OF PARTIES' PLANNING CONFERENCE

1. Pursuant to Fed. R. Civ. P. 26(f), a conference was held on November 1, 2006 between:

A. J. Bernard Brannan, Jr.
The Brannan Law Firm, P.C.
602 South Hull Street
Montgomery, Alabama 36104
Attorney for the Plaintiff, John Derek Williams

B. Cavender C. Kimble
Balch & Bingham LLP
P.O. Box 306
Birmingham, Alabama 35201
One of the Attorneys for Defendant,
Blue Cross and Blue Shield of Alabama

Micheal S. Jackson
Beers, Anderson, Jackson, Patty, Van Heest & Fawal, P.C.
P.O. Box 1988
Montgomery, Alabama 36102
One of the Attorneys for Defendant,
New Horizon Church

The parties agree that plaintiff has not fully exhausted administrative remedies that are a prerequisite to judicial review. Blue Cross is ready to provide the administrative appeal. Since this case turns on circumstances surrounding the termination of plaintiff's coverage, the parties propose to make disclosure of documents related to that issue, which will be used in the

administrative appeal along with any other information and argument that plaintiff submits. The parties propose that, assuming the court is willing, the case be stayed to permit the administrative appeal and that at the conclusion of the appeal, the parties report to the court whether plaintiff believes judicial review will be necessary.

2. **Pre-Discovery Disclosures.** The parties will exchange by November 16, 2006 the additional information discussed above. Plaintiff will then submit his appeal to Blue Cross no later than December 15, 2006.

3. **Discovery Plan.** The parties jointly propose to the court that all plans regarding discovery be pended until the administrative appeal is completed.

4. **Other Items.** The parties jointly propose to the court that all other items be pended until the administrative appeal is completed.

Dated: November 3 , 2006

s/J. Bernard Brannan, Jr.

One of the Attorneys for Plaintiff
John Derek Williams

OF COUNSEL:

J. Bernard Brannan, Jr.
The Brannan Law Firm, P.C.
602 South Hull Street
Montgomery, Alabama 36104

s/Cavender C. Kimble

One of the Attorneys for Defendant,
Blue Cross and Blue Shield of Alabama

OF COUNSEL:

Cavender C. Kimble
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P.O. Box 306
Birmingham, Alabama 35201

s/Micheal S. Jackson
One of the Attorneys for Defendant,
New Horizon Church

OF COUNSEL:

Micheal S. Jackson
Beers, Anderson, Jackson, Patty, Van Heest & Fawal, P.C.
P.O. Box 1988
Montgomery, Alabama 36102

CERTIFICATION OF CONSENT TO E-FILE

The undersigned certifies that he has been given express permission to submit the electronic signatures of all other counsel above and to e-file same.

s/Cavender C. Kimble
Of Counsel

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been served upon the following by
electronic service on this the **3rd** day of **November, 2006**:

Joe C. Cassady, Sr.
Cassady & Cassady, LLP
P.O. Box 311730
Enterprise, AL 36331

Mr. John Steensland
Mr. R. Martin Adams
739 West Main St.
Dothan, AL 36301

s/Cavender C. Kimble
Of Counsel